IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 969 OF 2006

Suraj Ashok Londhe. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Abhaykumar Apte for Applicant.
Ms.S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 21, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence punishable under Sections 376. 342, 323 which is registered at Sahakar Nagar Police Station.

2. It is alleged that the applicant had entered in the house of the prosecutrix and forcibly had sexual intercourse with her.

3. Learned Counsel for the applicant has invited my attention to the noting which is made by the doctor when he recorded the history given by the prosecutrix. He

has submitted that according to the doctor, the prosecutrix had sexual intercourse with the applicant on three earlier occasions and this fact has not been mentioned by her in the FIR.

4. I have perused the F.I.R. There is no reference to this fact in the complaint. Further, the chargesheet has been filed. The medical evidence does not disclose any injury on the person of the prosecutrix or on the private part. The applicant is in jail since 25th November, 2005. The applicant is 19 years old. Considering these circumstances, in my view, this is a fit case for grant of bail.

5. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The trial Court shall not be impressed by the observations of this Court while granting this application and it may not be construed as an expression of opinion on merits of the case.

. The application is disposed of in the above terms.

(V.M. Kanade, J.)